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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/506,534

09/03/2004

Takashi Shibayama

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05/18/2006

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EXAMINER

HITESHEW, FELISA CARLA

ART UNIT

PAPER NUMBER

1722

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/506,534

Applicant(s)

SHIBAYAMA ET AL.

Examiner

Felisa C. Hiteshew

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date see attached paper.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The PTOL 1449 has been received, reviewed and considered.

Claim Rejections - 35 USC § 112

2. Claim 3 is being rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, lines 15 & 18, the terminology "...silicon-type point defect..." is being considered vague and indefinite. Please clarify.

In claim 3, lines 16& 17, the terminology "...vacancy-type point defect..." is being considered vague and indefinite. Please clarify.

The addition of the word "type" to an otherwise definite expression extends the scope of the expression so as to render it indefinite. *Ex Parte Copenhaver*, 109 USPQ 118 (Bd. App. 1955).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1 and 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese abstract 044207 in view of Suizu.

Japanese abstract 044207 teaches an IG processing method involving the steps of rapidly heating a silicon wafer, after which it is immediately cut out of a silicon single-crystal ingot and ground and polished, starting from the room temperature of 700-950°C at a rate of 10°C/minute or higher, and hereafter holding the heated wafer for 0.5-30 minutes. The ingot is from a silicon melt; such that oxidation induced stacking, faults (OSF) are formed in an area, which is 25% or more of the total wafer area when thermally oxidized in the form of a wafer.

The difference being that Japanese abstract 044207 does not teach a hydrogen gas or a mixture gas of these gases using rapid thermal annealing (RTA).

Suizu teaches a rapid thermal annealing process for heat-treating a semiconductor substrate without damaging the substrate surface. The method places a semiconductor substrate in an annealing apparatus having an incoherent light source,

Art Unit: 1722

and introducing an inert gas containing a very small amount of oxygen gas into the annealing apparatus, while applying an incoherent light to the major surface of the semiconductor substrate... thereby subjecting the substrate to rapid thermal annealing. The difference being that Suizu does not teach a hydrogen gas or a mixture gas of these gases. However, in the absence of unobvious results, it would have been obvious to one of ordinary skill in the art to modify and optimize the process parameter limitations to encompass the use of hydrogen gas instead oxygen in order to ensure proper orientation. The motivation being that a layer of silicon single-crystal may be produced with a high quality surface.

A reference is good not only for what it teaches by direct anticipation but also for what one of ordinary skill might reasonably infer from the teachings. In re Opprecht 12 USPQ 2d 1235, 1236 (CAFC 1989); In re Bode 193 USPQ 12; In re Lamberti 192 USPQ 278; In re Bozek 163 USPQ 545, 549 (CCPA 1969); In re Van Mater 144 USPQ 421; In re Jacoby 135 USPQ 317; In re LeGrice 133 USPQ 365; In re Preda 159 USPQ 342 (CCPA 1968).

Expected beneficial results are evidence of obviousness, just as unexpected beneficial results are evidence of unobviousness. In re Novak 16 USPQ 2d 2041 (Fed. Cir., BPAI 1989); In re Hoffman 194 USPQ 126 (CCPA 1977); In re Skoll 187 USPQ 481 (CCPA 1975); In re Skoner 186 USPQ 80 (CCPA 1975); In re Garshon 152 USPQ 602 (CCPA 1967).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felisa Hiteshew whose telephone number is

Art Unit: 1722

(571) 272-1463. The examiner can normally be reached on Mondays through Thursday from 5:30 AM to 4:00 PM with Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-1463.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866- 217-9197 (toll-free).


FELISA HITESHEW
PRIMARY EXAMINER
AU 1722